



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,735	03/21/2000	Shalom Levin	EPLC/03	7129

7590 01/15/2002

Scott A Stinebruner
Wood Herron & Evans LLP
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917

EXAMINER

KOVACS, ARPAD F

ART UNIT PAPER NUMBER

3671

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/531,735

Applicant(s)

Levin et al.

Examiner

Árpád Fábián Kovács

Art Unit

3671



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on amendment 11/28/01 & 1/8/2002.

2a) ☐ This action is **FINAL**.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-13 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-13 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 12

20) ☐ Other:

Art Unit: 3671

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Shurman et al (5007234).

Shurman discloses a lawn mower comprising:

a cutting system comprising blade assemblies each comprising a blade & a motor independent of each other or independently operable with respect to each other motor in the plurality of blade assemblies within the cutting system (12a-d, 10a-d);

the blade assemblies include at least three blades (12a-c) (in re claim 2);

the blade assemblies are spaced apart to define a continuous cut segment (see fig 2, part of ref S) (in re claim 3);

the second blade assembly (12b) is intermediate the first & third blade assemblies (see fig 1a) and having planes which are parallel to each other (in re claim 4);

the length of blade assemblies are less than the cutting width (part of ref S) (in re claim 5).

Art Unit: 3671

3. Claim(s) 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Colens (WO98/41081) [cited by the Applicant].

Colens discloses a lawnmower comprising:

a cutting system having at least three independently driven motors or an electric motor is associated with each cutters (3; as taught in the English language abstract line 7-8);

a plurality of three blade assemblies (fig 1), whereby the blade assemblies are spaced apart with respect to each other to define a cutting width, and the spacing is such that the cut produced by the lawnmower is a continuously cut segment, the segment having a length corresponding to the cutting width, and wherein a plane (i.e. first plane) taken along the front-row of first and third blade assemblies and a plane taken (i.e. second plane) along the back-row of second blade assembly, the two planes are in parallel configuration/design choice, furthermore the second blade assembly is situated in between or intermediate the first & third blade assemblies (fig 1) (in re cl 2-5).

Art Unit: 3671

4. Claim(s) 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilcox (4882896).

Wilcox discloses a lawn mower & blade assembly comprising:

a shaft (24) rotatable with a motor (22) in communication with a stub (40);

a blade body (38) including oppositely disposed cutting portions (see fig 4);

a receiver including members for receiving (upper part of ref 44) the stub and retaining the stub in the receiver in a releasable engagement;

the shaft, stub, blade and receiver are configured to be in coaxial alignment, such that the blade is balanced upon rotation (see fig 1) (in re cl 10);

the stub includes an outer surface (the vertical area where ref 40 is pointing in fig 2 or 4) and the receiver includes an inner surface (inner part of ref 44, the upside down "L" portion), the outer and the inner surfaces configured with respect to each other for allowing a sufficient but minimal amount of rotation play for the blade (as taught in col 3, ln 17-20, 44, the stub thereby the motor is detachable, allows the rotor to be moved or adjusted) (in re cl 7, 11);

the members include flexible bodies for spring like behavior (ref 44 is inherently resilient), the bodies terminating in outwardly extending platforms (the upper portion of the ref 44), the members being operable when pressure is applied to the outwardly extending platforms (i.e. as pressure applied to the platforms the members can be operated on) (in re cl 8, 12, 13).

Art Unit: 3671

Response to Amendments & Arguments

5. Applicant's arguments & amendments filed 11/28/2001 have been fully considered but they are not persuasive.

Applicant's argument regarding the Shurman reference (page 5, first paragraph), it is noted that blade assemblies are driven by individually operable motors for rotating the blade, thereby they are independently operable with respect to each other motor within the cutting system disclosed by Shurman.

Examiner notes that regarding the control system utilized by the Applicant and Shurman have common features (see Applicant's figure 3); in implying that the Applicant's motors of each blade assembly (ref M) have no interrelation whatsoever would mean that the disclosure is incorrect. Nevertheless, Shurman meets the claim language as set forth in claim 1, lines 7-8 as stated above.


Art Unit: 3671

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilgus, Bartasevich et al., Colens show closely related arts to applicant's invention.

Any inquiry concerning this communication should be directed to Árpád Fábián Kovács at telephone number (703) 308-5897, or in my absence contact Thomas B. Will whose telephone number is (703) 308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for the Group is (703) 305-3597.


Thomas B. Will
Supervisory Patent Examiner
GROUP 3671

áfK/ÁFK
January 12, 2002